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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/764,647 | 01/18/2001 | Mooi Choo Chuah | 53 | 6264 |
| 46363 | 7590 | 04/27/2005 | EXAMINER | |
| | | | GEORGE, KEITH M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2663 | |

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/764,647 | CHUAH, MOOI CHOO |
| | Examiner | Art Unit |
| | Keith M. George | 2663 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5-11 and 15 is/are rejected.
- 7) Claim(s) 3,4,12-14 and 16-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 December 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reassigned to Examiner Keith M. George, AU 2663.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1, 6, 8 and 10 have each been amended to include a limitation requiring a single resource reservation protocol (RSVP) session, the claims as originally filed and the original specification make no reference to the resource reservation protocol (RSVP) and there is no clear explanation how RSVP is involved with the present claimed invention. If RSVP has been referred to in the originally filed specification, in any response to this office action, please provide the page and line numbers of where such reference occurs. Also, in any response, please include where the drawings make reference to RSVP.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language..

5. Claims 1, 2, 5, 6, 8, 10, 11 and 15 rejected under 35 U.S.C. 102(e) as being anticipated by Turina, U.S. Patent 6,031,832, hereinafter Turina.

6. Referring to claims 1, 6, 8 and 10, Turina teaches a method and apparatus for improving performance of a packet communications system. In figures 1 and 2, Turina teaches at step 34, the VIP priority Mobile Station (VIP MS) 16 sends a channel reservation request over a random access sub-channel on the uplink (mobile station attaching to a wireless data network). QoS negotiation could be based on use of the resource reservation protocol (RSVP) feature that has been specified for the Internet Protocol (performing asymmetric traffic class negotiation during a single RSVP session) (column 6, lines 3-19). Turina also teaches that on the downlink, the size of the current traffic load, and the process of prioritizing the downlink packet transfers, are considerations that also result in variable delays when the channel resources allocated for the packet data service transmissions are insufficient. As such, both the uplink and downlink packet traffic are thus subject to a variable quality of service (QoS) (comprising two traffic class fields, one for uplink and one for downlink and a class indicator for prioritizing a plurality of acceptable QoS traffic classes) (column 3, lines 20-26).

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7. Referring to claims 2, 5, 11 and 15, Turina teaches the method described in reference to claims 1 and 10 above where it was clearly taught that the uplink and downlink packet traffic are thus subject to a variable quality of service (asymmetric traffic classes).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turina in view of applicant's admitted prior art, hereinafter AAPA.

10. Referring to claims 7 and 9, Turina teaches the method described in reference to claims 6 and 8 above with the possible exception that the quality of service information element further comprises at least two residual bit error rate fields, one for the uplink and one for the downlink; at least two service data unit error ratio fields, one for the uplink and one for the downlink; and at least two transfer delay fields, one for the uplink and one for the downlink. AAPA teaches that the quality of service information element has a residual bit error rate field (AAPA, figure 2, octet 10), a service data unit error ratio field (AAPA, figure 2, octet 10), and a transfer delay field (AAPA, figure 2, octet 11). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the AAPA to the method of Turina in order to obtain a QoS IE that incorporates these fields for both the uplink and downlink portions of the QoS IE. One of ordinary skill in the art would have been motivated to combine these two

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teachings because the values of these fields in the uplink might have been different from those in the downlink.

Allowable Subject Matter

11. Claims 3, 4, 12-14 and 16-18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 571-272-3099. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
19 April 2005



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
4/21/05